

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK

KRISTINA SARHADI,

Plaintiff,

- against -

**JUSTIN CATHAL GEEVER a/k/a
JUSTIN SANE, and HARDWORK
DISTRIBUTION, INC., and DOE 1**

Defendants

Civil Action No. 1:24-cv-00031 (BKS/CFH)

**CROSS-MOTION FOR LEAVE TO
AMEND COMPLAINT PURSUANT TO
FED. R. CIV. P. 15**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff, KRISTINA SARHADI, by and through the undersigned counsel, respectfully moves this Court for leave to file her Second Amended Complaint (“SAC”) in the above referenced matter.

Fed. R. Civ. P. 15(a)(2) provides that “a party may amend its pleading only with the opposing party’s written consent or the Court’s leave.” Generally, leave to amend a pleading shall be granted unless the request is made with undue delay, in bad faith, or with dilatory motive. Leave to amend is appropriate where the proposed amendment is not futile. As set forth fully in Plaintiff’s Memorandum of Law, Plaintiff seeks leave to file her SAC in response to Defendant Hardwork Distribution, Inc.’s (“Hardwork”) motion to dismiss. (ECF No. 28). Plaintiff’s proposed amendment is timely, in good faith, and is not futile. Further, the Defendants are not prejudiced by Plaintiff’s proposed amendment.

Attached for the Court’s review and consideration are:

- (1) Plaintiff’s proposed Second Amended Complaint (**Exhibit A**); and
- (2) Plaintiff’s redline proposed Second Amended Complaint pursuant to Local Rule 15.1(1) (**Exhibit B**).

WHEREFORE Plaintiff respectfully requests that this Honorable Court grant her Cross-Motion for Leave to Amend Complaint, deny Hardwork's motion to dismiss as moot, and provide any such order and additional relief deemed just and proper.

Dated: New York, New York
May 21, 2024

Respectfully submitted,

McALLISTER OLIVARIUS

/s/ John F.O. McAllister

John F.O. McAllister
641 Lexington Avenue
13th Floor
New York, NY 10022
Telephone: (212) 433-3456
jmcallister@mcotlaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on May 21, 2024 a true and correct copy of Plaintiff's Cross-Motion for Leave to Amend was delivered via CM/ECF to the following:

Stuart P. Slotnick (stuart.slotnick@bipc.com)

I certify that on May 21, 2024 a true and correct copy of Plaintiff's Cross-Motion for Leave to Amend was delivered via certified mail to:

Justin Cathal Geever
8036 Thompson Run Rd
Pittsburgh, PA 15237

Dated: May 21, 2024

/s/ John F.O. McAllister
John F.O. McAllister